IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.928 OF 2006
WITH
CIVIL APPLICATION NO.1533 OF 2006
IN
SECOND APPEAL NO.928 OF 2006

Bharat Vishnu Chikhale .. Appellant.
Vs.
Rajaram Sitaram Mane & Ors. .. Respondents.

Mr.P.D.Salvi for the appellant/applicant.
Mr.Dilip Bodake for respondent nos.1 and 2.

CORAM : D.B.BHOSALE, JJ.
DATED : 3RD JULY, 2007.

P.C.:

. Heard learned counsel for the appellant/applicant and respondent nos.1 and 2.

2. This appeal is directed against the concurrent findings recorded by the courts below by which a suit filed by respondent-plaintiff seeking declaration and possession has been partly decreed. The only contention urged by Mr. Dalvi, learned counsel for the appellant was that since the plaintiff claims possession of the suit property contending that the appellant is a tenant and is a defaulter, the suit itself is not maintainable without notice under section 106 of the Transfer of Property Act. In my opinion this submission is

devoid of any merits. It is clear from the facts of the case, as reflected in the judgments of the courts below, that the appellant-defendant got his name entered in the gram panchayat record in respect of the suit premises and denied that he is a tenant of the plaintiff. He claims to be the owner of the suit property. Keeping that in view and considering the reasons recorded by the courts below and more particularly paragraph 17 in the judgment of the Appeal Court, no interference in the instant second appeal is called for. The second appeal is dismissed. Consequently, the civil application is also disposed of.

(D.B.BHOSALE, J.)